



Federal Communications Commission
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Re: Application to Construct a New TV
Booster Station in Los Angeles, CA
File No. BNPTTB-20010601AHA
Facility ID No. 134300

Dear Licensees:

This is with respect to the above-referenced application for a construction permit for a new TV booster station on channel 63, filed by Biltmore Broadcasting, LLC, the licensee of station KADY-TV, channel 63, Oxnard, California. Sunbelt Television, Inc., the licensee of station KHIZ(TV), channel 64, Barstow, California, filed a petition to deny, which Biltmore opposes.¹

Section 74.731(j) of the Commission's rules provides that a television booster station -- which is intended to provide a means whereby a television broadcast licensee may provide service to areas of low signal strength within the television station's Grade B contour -- "may not be located outside the predicted Grade B of its primary station nor may the predicted Grade B signal of the television booster station extend beyond the predicted Grade B contour of the

¹ KRCA License Corp., the licensee of station KRCA(TV), channel 62, Riverside, California, also filed a petition to deny, stating that the facilities proposed in the application will cause interference to the licensed KRCA(TV) transmitter site located at Sunset Ridge, and requesting that the Commission condition the grant of Biltmore's application to prohibit operation of the booster station until KRCA had constructed its authorized modified facilities at Mt. Harvard (File No. BMPCT-20000419ABV). KRCA's application for a license to cover its modified facilities was granted on July 31, 2002, and accordingly, its petition to deny will be dismissed as moot.

primary station." 47 C.F.R. § 74.731(j). While Biltmore's proposed booster facility is located within the authorized Grade B contour of KADY-TV, the booster will provide service outside the authorized Grade B contour to approximately 400 persons, when calculated using the Commission's propagation curves. Accordingly, Biltmore requests a waiver of Section 74.731(j) of the rules.

In support of its waiver request, Biltmore states that although 9,640,000 people reside within the KADY-TV predicted Grade B contour, only 1,150,000 people actually receive the station's signal, due to the large intervening terrain obstructions of the Santa Monica Mountains and the Simi Hills, located between the KADY-TV transmitter site and Los Angeles. According to Biltmore:

As a result, since it began operating in 1985, KADY-TV has struggled to survive. By 1995, the station had fallen into involuntary bankruptcy. Five years after being purchased from the bankruptcy trustee, the station continues to lose money at the rate of over \$150,000 each month. In order to staunch this financial hemorrhage, Biltmore has determined that it must increase its service area beyond the meager 12 percent now served.

Biltmore further states that "[a]fter an exhaustive search of the electromagnetically congested and terrain impeded Southern California landscape," it determined that only through the proposed booster could it provide any fill-in service. As proposed, the booster will provide additional service to 2,173,000 people, increasing coverage to 35% of the population with KADY-TV's predicted Grade B contour.

While the booster signal is predicted to extend beyond the KADY-TV predicted Grade B contour, the extension is limited to an area largely over the Angeles National Forest and the Pacific Ocean, and Biltmore filed an amendment to its application on February 27, 2003, demonstrating that the booster cannot be engineered in a manner that will avoid the predicted Grade B extension without rendering the booster useless.² Biltmore also submits a Longley Rice analysis which demonstrates that substantial terrain obstructions between the proposed transmitter site and the predicted Grade B extension prevent actual service to the predicted extension area.

Biltmore further asserts that substantial public interest benefits to the 2.1 million viewers who will receive new service from the booster station "provide ample grounds for waiver of Section 74.731(j) to permit a theoretical *de minimis* extension of the KADY-TV Grade B contour to 400 viewers." According to Biltmore, KDAY-TV, one of only two television stations licensed

² To avoid interference to first adjacent station KRCA(TV), Biltmore states that the proposed booster must be co-located with that station on Mt. Harvard. Moreover, in order to overcome interference from that station, Biltmore determined that the booster must operate at a minimum of 150 kilowatts in order to provide any useable signal. In order to eliminate the predicted extension beyond the KADY-TV Grade B contour, the booster would have to operate at 4.3 kilowatts, which would result in received interference from KRCA(TV) to virtually all television sets tuned to the booster's signal.

to Ventura County, has lost over \$8 million dollars since 1998, and due to its inordinately poor coverage area, the station has received all-day audience shares of below 1 percent since November 2000. Biltmore believes that the increased financial solvency resulting from operation of the booster will enable Biltmore to provide additional news and information programming to Ventura County, which has no local newscast. In this regard, Biltmore states that it intends to increase its Spanish-language programming by adding a half hour per day of Spanish-language news, and to produce the County's first locally produced news program, including a one-hour block in the mornings, an evening newscast at 7:00 p.m. and live local news at 10 p.m.

In its petition to deny, Sunbelt asserts, first, that the booster violates Section 74.705(b)(1) of the rules because the proposed facility is within the Grade B contour of KHIZ(TV). As Biltmore correctly points out, however, that rule applies only to low power television and television translator stations, not to boosters. Sunbelt next asserts that the proposed facility's 64 dBu contour would overlap and cause interference to an area within the KHIZ(TV) Grade B contour encompassing between 856.7 km to 1710 km. Sunbelt, however, did not state the basis for the claimed interference, and a Longley-Rice analysis submitted by Biltmore, as well as the staff's own engineering analysis, indicates that the proposed booster will not interfere with KHIZ(TV).

Based upon the foregoing, we conclude that Sunbelt has failed to set forth any reasons why the application should not be granted. We also find that a waiver of Section 74.741(j) of the rules would serve the public interest. The proposed booster would permit Biltmore to serve almost 2.2 million persons who reside within KADY-TV's predicted Grade B contour, but are currently unable to receive the signal because of terrain. Moreover, operation of the booster will not result in interference to any other station. Accordingly, the petition to deny filed by KRCA License Corp. IS DISMISSED AS MOOT; the petition to deny filed by Sunbelt Television, Inc. IS DENIED; and the application to construct a new booster station and request for waiver of Section 74.741(j) of the Commission's rules, filed by Biltmore Broadcasting, LLC, ARE GRANTED.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Brian M. Madden, Esq.